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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,220	01/04/2002	Yiu Fai Ko	1365.060US1	7250

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EXAMINER	
NGUYEN, DUC MINH	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,220	KO ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-15 and 37-52* is/are allowed.

6)☒ Claim(s) *16-36 and 54-60* is/are rejected.

7)☒ Claim(s) *53* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5-6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim16-20, 25-33, 35-36, 54, 56-57, 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasin et al (6,011,830).

Consider claims 30, 54. Sasin teaches a method of using a mobile communications device to facilitate testing a digital mobile phone network, comprising controlling the mobile communications device to send test traffic over the digital mobile phone network (figs. 1a, 2a-b, 3a; col. 6, ln. 51-58; col. 12, ln. 20-54; col. 13, ln. 4-35); receiving traffic from the digital mobile phone network using the mobile communications device (col. 14, ln. 7-47); measuring at least one parameter associated with the received traffic to provide traffic parameter measurement data (col. 13, ln. 4-35); and inserting traffic parameter measurement data into the test traffic, to thereby facilitate testing of the digital mobile phone network (col. 13, ln. 14-17).

Consider claims 16-18, 25-29, 31-32, 35-36, 57, 59. Sasin further teaches providing test traffic data from a test traffic data supply (col. 10, ln. 33-43; col. 13, ln. 14-17;); coding the test traffic data for transmission over the digital mobile phone network (col. 13, ln. 14-17); coding the measurement data for transmission over the digital mobile phone network (col. 13, ln. 14-17); interleaving the code test traffic and measurement data (col. 13, ln. 14-17); and providing the interleaved data to a mobile communication device driver (TCG, TCE; col. 14, ln. 7-40) for

controlling the mobile communications device to send the interleaved data over the digital mobile phone network (figs. 1a, 2a-b, 3a; col. 6, ln. 51-58; col. 12, ln. 20-54; col. 13, ln. 4-35).

Consider claims 19-20. col. 30, ln. 39 to col. 31, ln. 3 reads on the limitations of this claim.

Consider claim 33. Col. 13, ln. 48-59 and col. 14, ln. 48-67 read on the limitations of this claim.

Consider claim 56. Col. 13, ln. 48-59 and col. 14, ln. 48-67 read on the limitations of this claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21-22, 24, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Tiedemann , Jr. et al (5,802,105).

Consider claims 21-22, 34. Sasin does not clearly teach a data driver and test traffic comprises packetised data traffic.

Tiedemann teaches a data driver and test traffic comprises packetised data traffic (col. 5, ln. 30 to col. 14, ln. 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tiedemann into the teachings of Sasin in order to

provide an improved system for quantitatively evaluating the quality of communication channels within a digital communication system.

Consider claim 24. Sasin in view of Tiedemann teaches test generator to provide testing signals to drive a mobile communication device. Therefore, it would have been obvious that the system as taught by Sasin in view of Tiedemann also can drive an unmodified consumer mobile communication device.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Tiedemann , Jr. et al (5,802,105) as applied to claims 16, 21 above, and further in view of Matusevich et al (6,535,733).

Consider claims 23. Sasin in view of Tiedemann does not teach that the measured traffic parameters is selected from a group comprising data rate, bit error ratio and data delay parameters.

Matusevich teaches the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters (see the entire abstract; col. 3, ln. 40-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Matusevich into the teachings of Sasin in view of Tiedemann, so that in using the measurement radio architecture, the mobile terminal customer would see improved voice and call quality resulting from the seamless handoffs and the passing of operating information from the measurement radio for use by the traffic radios to achieve improved performance.

6. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Matusevich et al (6,535,733).

Consider claim 55. Sasin does not teach that the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters.

Matusevich teaches the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters (see the entire abstract; col. 3; ln. 40-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Matusevich into the teachings of Sasin, so that in using the measurement radio architecture, the mobile terminal customer would see improved voice and call quality resulting from the seamless handoffs and the passing of operating information from the measurement radio for use by the traffic radios to achieve improved performance.

7. Claims 58, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Alajoki et al (6,285,875).

Consider claims 58, 60. Sasin does not teach outputting a graphical representation of the decoded information and the mobile communication system operation information associated with the traffic from which the information was decoded.

Alajoki teaches outputting a graphical representation of the decoded information and the mobile communication system operation information associated with the traffic from which the information was decoded (see the entire abstract; col. 2, ln. 63 to col.3, ln. 12; col. 5, ln. 1-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Alajoki into the teachings of Sasin in order to provide a system which makes traffic management easier by providing a visually illustrative representation of traffic intensity and changes therein in practically real time. The system should be possible to couple to an MSC of any manufacturer, without need to change its internal functions.

Allowable Subject Matter

8. Claim 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 1-15, 37-52 are allowed over the prior art of record.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc Nguyen
Primary Examiner
Art Unit 2643

4/16/04